

# DISPATCH

CLASSIFICATION

S-E-C-R-E-T

PROCESSING ACTION

MARKED FOR INDEXING

NO INDEXING REQUIRED

ONLY QUALIFIED DESK  
CAN JUDGE INDEXING

MICROFILM

TO

INFO

FROM

Chief, WE and Chief, SR

SUBJECT

Current Status of HEINE-RAUS Case

ACTION REQUIRED - REFERENCES

Action: FYI

Reference: OCON 5080, dated 22 January 1965

MICROFILMED  
FEB 1 1966  
FBI - MEMPHIS, TENN.

1. [ ] may recall the status of the HEINE-RAUS case as of the time he left SR Division. To summarize briefly, HEINE had provided his version of his background in the long deposition taken in Washington in February 1965; RAUS' attorneys had put their private investigators onto the case in order to provide material for the defense, and they were expecting HEINE's attorney (Ernest C. RASKAUSKAS) to serve written interrogatories on RAUS.

2. In November 1965 the case became active when RASKAUSKAS served a 71-page list of questions on RAUS, delving into every facet of his life and dwelling particularly on his contacts with intelligence agencies in general and this one in particular. He was asked to name his contacts and reveal the full content of any and all discussions held with them. It was immediately obvious that RAUS could not answer these questions, but the legal basis for resisting created serious problems. Finally, after consultation between Chief, LCDATA and RAUS' attorneys and with the approval of Chief, KUDOVE, it was decided that the most expedient course would be for KUBARK to admit that RAUS had been provided with certain information by us, and more importantly had been acting as KUBARK's agent (legal, not intelligence sense) in passing it on. The attorneys have assured us that this will make it possible to get a summary judgment in RAUS's favor without the case ever going before a jury. [ ] may recall that we had earlier examined this solution but had rejected it because of the possibilities for unfavorable publicity. Upon reappraisal of the situation it was decided that anything short of this could very well result in RAUS losing the case, and that the publicity aspects would then be considerably more damaging, with HEINE certain to spread his story as widely as possible. This present step will have the advantage of closing the case down once and for all, and we hope that any publicity which might conceivably result will be short-lived.

Distribution:

Orig. & 2 - [ ]

continued:

CROSS REFERENCE TO

CS COPY

DISPATCH SYMBOL AND NUMBER

OCON-5663

DATE

26 JAN 1966

18 January 1966

CLASSIFICATION

S-E-C-R-E-T

HQS FILE NUMBER

DISTRIBUTION:

- ✓ 1 - RID
- 1 - SR/O/AC
- 1 - SR/O/WE
- 1 - WE/BC/Canada
- 1 - OGC

ORIGINATING

OFFICE

SR

TYPIST

1ka

EXT.

4205

COORDINATING

OFFICE SYMBOL

DATE

OFFICER'S NAME

C/SR/O/AC

14 Jan 1966

SR/ODG

DC/SR

SR/O/WE

14/1

C/SR

WE/BC/Canada

OGC

24 JAN 1966

(in draft)

RELEASING

OFFICE SYMBOL

DATE

OFFICER'S SIGNATURE

DC/WE/BC

24/1/66

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCE METHOD EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2008

DISPATCH

BEST AVAILABLE COPY



CONTINUATION OF DISPATCH	CLASSIFICATION S-E-C-R-E-T	DISPATCH SYMBOL AND NUMBER OCON-5663	
<p>3. Accordingly, an affidavit signed by Deputy Chief, KUBARK has been filed with the court by the defense attorneys together with a motion for summary judgment, and a hearing will be held on this motion on 25 February. We will advise you of the results. The above is for your information only, and we believe that there is no necessity for briefing liaison at least for the present.</p> <p style="text-align: center;">[ ]</p> <p style="text-align: center;">[ ]</p> <p style="text-align: center;"><b>BEST AVAILABLE COPY</b></p>			
FORM 53a 9-64 (40) USE PREVIOUS EDITION.	CLASSIFICATION S-E-C-R-E-T	<input type="checkbox"/> CONTINUED	PAGE NO. 2